



Children and Families Act 2014

2014 CHAPTER 6

PART 3

CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

Appeals, mediation and dispute resolution

53 Mediation: health care issues

- (1) This section applies where—
 - (a) the parent or young person informs the local authority under section 52 that he or she wishes to pursue mediation, and
 - (b) the mediation issues include health care provision specified in the plan or the fact that no health care provision, or no health care provision of a particular kind, is specified in the plan.
- (2) The local authority must notify each relevant commissioning body of—
 - (a) the mediation issues, and
 - (b) anything of which it has been informed by the parent or young person under section 52(4).
- (3) If the mediation issues are limited to the health care provision specified in the plan or the fact that no health care provision, or no health care provision of a particular kind, is specified in the plan, the responsible commissioning body (or, where there is more than one, the responsible commissioning bodies acting jointly) must—
 - (a) arrange for mediation between it (or them) and the parent or young person,
 - (b) ensure that the mediation is conducted by an independent person, and
 - (c) participate in the mediation.
- (4) If the mediation issues include anything else—
 - (a) the local authority must—

Status: This is the original version (as it was originally enacted).

- (i) arrange for mediation between it, each responsible commissioning body and the parent or young person,
 - (ii) ensure that the mediation is conducted by an independent person, and
 - (iii) participate in the mediation, and
 - (b) each responsible commissioning body must also participate in the mediation.
- (5) For the purposes of this section, a person is not independent if he or she is employed by any of the following—
- (a) a local authority in England;
 - (b) a clinical commissioning group;
 - (c) the National Health Service Commissioning Board.
- (6) In this section “responsible commissioning body”—
- (a) if the mediation issues in question are or include the health care provision specified in an EHC plan, means a body that is under a duty to arrange health care provision of that kind in respect of the child or young person;
 - (b) if the mediation issues in question are or include the fact that no health care provision, or no health care provision of a particular kind, is specified in an EHC plan, means a body that would be under a duty to arrange health care provision of the kind in question if it were specified in the plan.